

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action mailed February 8, 2007. At that time, claims 1-7, 9-15, 17, 19-28, 30-36, 38-39, 41-46, 48-56, 58, and 60-64 were pending in the application. Claims 8, 16, 18, 29, 37, 40, 47, 57, 59, and 65-68 were withdrawn in response to a previous restriction requirement. In the Office Action, the Examiner objected to the specification and the drawings. The Examiner also rejected claims 9, 15, 25, 30, 36, 41, 56, and 60-63 under 35 U.S.C. § 112, second paragraph. Claims 17, 19, 20, 22-24, 26-29, 30, 31, 34, 35, 58, 60, and 62 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1106446 (hereinafter "EP '446"). Claims 1-7, 9, 10, 12-14, 33, 48-52, 54, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446. Claims 11, 21, 32, and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446 in view of U.S. Patent No. 5,082,310 issued to Bauer (hereinafter "Bauer"). Claims 15, 25, 36, 38, 39, 41, 42, 44-46, 56, 61, and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446 in view of U.S. Patent No. 5,647,608 issued to Damman et al. (hereinafter "Damman"). Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446 in view of Damman and in further view of Bauer.

#### **I. Objection to the Drawings**

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) as failing to show all of the features specified in claims 9, 19, 30, and 41. Specifically, the Examiner indicated that the claim language regarding the "cover tears along the forward edge" and a "U-shaped tear seam" is not found in the drawings. In response to this objection, Applicant has cancelled claims 9, 19, 30, and 41. Favorable consideration is respectfully requested.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) as failing to show all of the features specified in claims 15, 25, 36, 46, 56, 61, 63, and 67. Specifically, the Examiner indicated that the claim language that the housing deforms "in response to impact of the occupant against the cushion" is not shown in the drawings. In

response to this objection, Applicants have cancelled claims 15, 25, 36, 46, 56, 61, 63, and 67. Favorable consideration is respectfully requested.

## **II. Objection to the Specification**

The Examiner indicated page 18, line 1 of the specification contained a typographical error. Applicants have corrected this typographical error in the present paper. A typographical error in paragraph [0064] has also been corrected. Favorable consideration is respectfully requested.

## **III. Rejection of Claims 9, 15, 19, 25, 30, 36, 41, 46, 56, and 60-63 Under § 112**

The Office Action rejected claims 9, 15, 19, 25, 30, 36, 41, 46, 56, and 60-63 under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph on grounds that such claims were indefinite. In response to this rejection, claims 9, 15, 19, 25, 30, 36, 41, 46, 56, 61, and 63 have been canceled. According, with respect to these claims, this rejection is moot.

With respect to claims 60 and 62, these Examiner asserted that the claim language regarding “moving” or “conveying” the inflation gas was indefinite because there was insufficient “means/structure shown in Figure 3 to support the limitation that the inflation gas in ‘moved’ or ‘conveyed.’” Office Action, p. 5. As a result of this paper, claims 60 and 62 have been amended such that they no longer recite language regarding “moving” or “conveying” the gas. Withdrawal of this rejection is respectfully requested.

## **IV. § 102(b) Rejection Claims 17, 19, 20, 22-24, 26-29, 30, 31, 34, 35, 58, 60, and 62**

The Examiner rejected claims 17, 19, 20, 22-24, 26-29, 30, 31, 34, 35, 58, 60, and 62 under 35 U.S.C. § 102(b) as being anticipated by EP ‘446. Claims 19 and 30 have been canceled and claim 29 has been withdrawn. However, with respect to the remaining claims, this rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaa Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The

identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that the claims at issue are patentably distinct from EP ‘446 because this reference does not disclose all of the limitations in these claims. Independent claims 17, 27, and 58 have been amended to recite that the cushion is “within” a “housing” and that the “inflator contacts or is adjacent to the housing.” Support for this claim element is found in Figure 3 and is described, in detail, throughout the specification, including for example, at paragraphs [0063] through [0068]. This claim element is not disclosed by EP ‘446. As can be seen in EP ‘446, this reference teaches a system in which the inflator 8 is located remote of the airbag 5 or the airbag housing by a tube (which appears to be labeled with reference numeral 7). Accordingly, as the airbag 5 is located remote of the inflator 8 in EP ‘446, this reference clearly does not teach a system in which the inflator contacts or is adjacent to the housing, as in required by independent claims 17, 27, and 58. Accordingly, because this reference fails to disclose all of the relevant claim elements, EP ‘446 cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 20, 22-24 and 26 depend from independent claim 17. Claims 28, 31, and 34-35 depend from independent claim 27. Likewise claims 60 and 62 depend from independent claim 58. Accordingly, dependent claims 20, 22-24, 26, 31, 34-35, 60, and 62 are similarly patentable over EP ‘446 for the same reasons that were outlined above in conjunction with independent claims 17, 27, and 58. Withdrawal of these rejections is respectfully requested.

**V. § 103(a) Rejection of Claims 1-7, 9, 10, 12-14, 33, 48-52, 54, and 55**

The Examiner rejected claims 1-7, 9, 10, 12-14, 33, 48-52, 54, and 55 under 35 U.S.C. § 103(a) based on EP ‘446. Claim 9 has been canceled. However, with respect to the remaining claims, this rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from EP '466 because this reference does not teach or suggest all of the limitations in these claims. Independent claims 1 and 48 have been amended to recite that the cushion is "within" a "housing and wherein the inflator contacts or is adjacent to the housing." As noted above, this claim language is not taught or suggested by EP '446. Accordingly for this reason, independent claims 1 and 48 cannot be rejected under § 103(a) based upon EP '446. Withdrawal of this rejection is respectfully requested.

Claims 2-7, 10, and 12-14 depend either directly or indirectly from claim 1. Claims 49-52 and 54-55 depend either directly or indirectly from claim 48. Accordingly, Applicant respectfully requests that the rejection of claims 2-7, 10, 12-14, 49-52 and 54-55 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 48.

Claim 33 depends from independent claim 27. Accordingly, claim 33 requires that the cushion be "within" a "housing and wherein the inflator contacts or is adjacent to the housing." As explained above, this claim element is not taught or suggested EP '446. Accordingly for this reason, claim 33 cannot be rejected under § 103(a) based upon EP '446. Withdrawal of this rejection is respectfully requested.

**VI. § 103(a) Rejection of Claims 11, 21, 32, and 53**

The Examiner rejected claims 11, 21, 32, and 53 under 35 U.S.C. § 103(a) based on EP '446 in view of Bauer. This rejection is respectfully traversed.

As noted above, a rejection under § 103(a) cannot be maintained unless all of the claim elements are taught or suggested by the cited references. As a result of this paper, dependent claims 11, 21, 32, and 53 all require that the cushion is “within” a “housing” and that the “inflator contacts or is adjacent to the housing.” This claim language, as noted above, is not taught or suggested by EP '446. Further, the Examiner has not indicated any teaching or disclosure in Bauer that would satisfy this claim element. For this reason, Applicant submits that claims 11, 21, 32, and 53 cannot be rejected under § 103(a) based upon these references. Withdrawal of this rejection is respectfully requested.

**VII. § 103(a) Rejection of Claims 15, 25, 36, 38, 39, 41, 42, 44-46, 56, 61, and 63**

The Examiner rejected claims 15, 25, 36, 38, 39, 41, 42, 44-46, 56, 61, and 63 under 35 U.S.C. § 103(a) based on EP '446 in view of Damman. Claims 15, 25, 36, 41, 46, 56, 61, and 63 have been canceled. However, with respect to claims 38-39, 42, and 44-45, this rejection is respectfully traversed.

As explained above, a rejection under § 103(a) cannot be maintained unless all of the claim elements are taught or suggested by the cited references. As a result of this paper, independent claim 38 has been amended to recite that “inflator contacts or is adjacent to the housing.” This claim language, as noted above, is not taught or suggested by EP '446. Further, the Examiner has not indicated any teaching or disclosure in Damman that would satisfy this claim element. For this reason, Applicant submits that claim 38 cannot be rejected under § 103(a) based upon these references. Withdrawal of this rejection is respectfully requested.

Claims 39, 42, and 44-45 depend either directly or indirectly from claim 38. Accordingly, Applicant respectfully requests that the rejection of claims 39, 42, and 44-45 be withdrawn for at least the same reasons as those presented above in connection with claim 38.

**VIII. § 103(a) Rejection of Claim 43 Under**


The Examiner rejected claim 43 under 35 U.S.C. § 103(a) based on EP '446 in view of Damman and in further view of Bauer. This rejection is respectfully traversed.

Claim 43 depends from independent claim 38. Accordingly, as a result of this paper, claim 43 requires that "inflator contacts or is adjacent to the housing." This claim language, as noted above, is not taught or suggested by EP '446. Further, the Examiner has not indicated any teaching or disclosure in Damman or Bauer that would satisfy this claim element. For this reason, Applicant submits that claim 43 cannot be rejected under § 103(a) based upon these references. Withdrawal of this rejection is respectfully requested.

#### **IX. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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Date: May 1, 2007

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